

1 **SEC. 20. Publication in official register.** The secretary of state
2 shall publish said federal census report and certificate aforesaid in
3 full in each copy of the Iowa official register until a census is taken
4 by the state.

[C. C. 292.]

1 **SEC. 21. Evidence—population.** Said certified census records in
2 the office of the secretary of state, and said authorized publications,
3 including the certificates attached thereto, shall be competent evi-
4 dence of all matters therein contained. Whenever the population of
5 any county, city or town is referred to in any law of this state, it shall
6 be determined by the last certified, or certified and published, official
7 census, whether the same be a state or national census, unless other-
8 wise provided. If there be a difference between the original certified
9 record in the office of the secretary of state, and the published census,
10 the former shall prevail.

[C. C. 290, 292, modified.]

Approved March 17, A. D. 1923.

CHAPTER 227

SOLDIERS' PREFERENCE

H. F. 36

AN ACT to amend, revise and codify chapter twenty-four (24) of title four (4) of the supplement to the compiled code of Iowa, relating to the right of soldiers, sailors, marines, and nurses to preference in appointment to office.

Be it enacted by the General Assembly of the State of Iowa:

That chapter twenty-four (24) of title four (4) of the supplement to the compiled code of Iowa is amended, revised, and codified to read as follows:

1 **SECTION 1. Preference in appointments and promotions.** In every
2 public department and upon all public works, in the state of Iowa,
3 and of the counties, cities, towns, and school boards thereof, including
4 those of cities acting under special charters, honorably discharged
5 soldiers, sailors, marines, and nurses from the army and navy of the
6 United States in the late civil war, Spanish-American war, Philippine
7 insurrection, China relief expedition, or war with Germany, who are
8 citizens and residents of this state, shall, except in the position of
9 school teachers, be entitled to preference in appointment, employment,
10 and promotion over other applicants of no greater qualifications.

[S. C. C. 679-a1.]

1 **SEC. 2. Age and physical disability.** The persons thus preferred
2 shall not be disqualified from holding any position hereinbefore men-
3 tioned on account of age or by reason of any physical disability, pro-

4 vided such age or disability does not render such person incompetent
5 to perform properly the duties of the position applied for.

[S. C. C. 679-a1.]

1 **SEC. 3. Duty to investigate and appoint.** When such soldier, sailor,
2 marine or nurse shall apply for appointment or employment under
3 this chapter, the officer, board or person whose duty it is or may be
4 to appoint or employ some person to fill such position or place shall,
5 before appointing or employing any one to fill such position or place,
6 make an investigation as to the qualifications of said applicant for
7 such place or position, and if the applicant is of good moral character
8 and can perform the duties of said position so applied for, as herein-
9 before provided, said officer, board or person shall appoint said appli-
10 cant to such position, place or employment.

[S. C. C. 679-a1.]

1 **SEC. 4. Mandamus.** A refusal to allow said preference, or a reduc-
2 tion of the salary for said position with intent to bring about the
3 resignation or discharge of the incumbent, shall entitle the applicant
4 or incumbent, as the case may be, to maintain an action of mandamus
5 to right the wrong.

[S. C. C. 679-a1, 679-a2.]

1 **SEC. 5. Removal—certiorari to review.** No person holding a public
2 position by appointment or employment, and belonging to any of the
3 classes of persons to whom a preference is herein granted, shall be
4 removed from such position or employment except for incompetency
5 or misconduct shown after a hearing, upon due notice, upon stated
6 charges, and with the right of such employee or appointee to a review
7 by a writ of certiorari.

[S. C. C. 679-a2.]

1 **SEC. 6. Incompetency or misconduct—burden of proof.** The bur-
2 den of proving incompetency or misconduct shall rest upon the party
3 alleging the same. Nothing in this chapter shall be construed to apply
4 to the position of private secretary or deputy of any official or depart-
5 ment, or to any person holding a strictly confidential relation to the
6 appointing officer.

[S. C. C. 679-a2.]

Approved February 15, A. D. 1923.